



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

September 7, 2021

**BY ECF**

Hon. Loretta A. Preska  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Avtandil Khurtsidze*, S9 17 Cr. 350 (LAP)**

Dear Judge Preska:

Avtandil Khurtsidze is being resentenced for his role as the key violent enforcer for the Shulaya criminal enterprise (the "Shulaya Enterprise"). Nothing in the time between Khurtsidze's first sentencing and the upcoming resentencing warrants a sentence lesser than the 120 months period of incarceration originally imposed by Judge Forrest. To the contrary, Khurtsidze has consistently and continuously refused to demonstrate the least remorse for his violent participation in a prolific criminal enterprise and instead falsely and repeatedly minimized his role in the offense. Just as in 2018, Khurtsidze is a danger to others and a man – unique among the defendants in this case other than Shulaya himself – willing to baselessly minimize his conduct in an effort to avoid reckoning with his misdeeds. A 120-month sentence remains appropriate and should be reimposed.

The Government's original sentencing submission summarizes Khurtsidze's essential, violent, and unrepentant role in the Shulaya Enterprise. *See* ECF Doc. 993. As the Government noted:

Avtandil Khurtsidze is a violent criminal by choice. Khurtsidze had no need to act as an enforcer for the Shulaya Enterprise. A successful athlete, Khurtsidze was neither financially distressed nor vulnerable to the pressures of addiction or fear. Nevertheless, Khurtsidze chose to use his status and his strength as a weapon in the service of a notorious criminal, Razhden Shulaya. Khurtsidze participated in vicious beatings, personally threatened and assaulted Shulaya's targets, and became among the most prominent and intimidating members of Shulaya's criminal entourage. Despite being confronted with extensive video and audio evidence of his crimes, including recordings of beatings and his participation in the Shulaya Enterprise's most audacious fraud, Khurtsidze chose loyalty to Shulaya over acceptance of responsibility for his crimes. *See* ECF Doc. 993 at 1.

The Government's § 3553(a) analysis from the original submission remains accurate and amply supports Judge Forrest's initial sentence.

Rather than repeat the arguments from the original submission, however, the Government focuses here on the false comparison drawn by Khurtsidze between himself and co-defendant Mamuka Chaganava. Khurtsidze's culpability significantly exceeds that of Mamuka Chaganava in several respects. Chaganava participated in the Shulaya Enterprise in the following ways:

- Chaganava participated in the Shulaya Enterprise's contraband cigarette scheme<sup>1</sup> and fencing of stolen goods. Chaganava participated in 10 of 60 sales of purportedly stolen, contraband cigarettes, and did so for a period of three months in mid-2015 (the cigarette scheme spanned from April 2015 until approximately March 2017).
- Chaganava participated as a "body man" for Shulaya in four confrontations, and personally participated in one group-on-group assault between Shulaya's crew and a rival group. These incidents were:
  - A confrontation of a drug dealer, Pelmen, by Shulaya. At Shulaya and Khurtsidze's trial, a witness described the encounter: "[i]t was in a restaurant restroom . . . where Shulaya accused Pelmen [of being] untruthful to him. . . . He accuse[d] him [of not being] true to selling the drugs on the street. . . . [H]e slapped him several times on the face. . . . Mamuka [Chaganava] was standing on the left side of [] Shulaya [and was] holding a knife in [his] right hand." Tr. at 1092-93.
    - *Khurtsidze also participated in this incident, although he did not weild a knife; Khurtsidze's size and reputation were sufficient to make him an intimidating and dangerous figure. See PSR ¶ 18.*
  - Chaganava took part in a melee at a Brooklyn pool hall, in which Shulaya's crew assaulted and beat a smaller group of rivals. Tr. at 1426-34.
  - Chaganava stood by Shulaya while Shulaya berated a group of underlings whom Shulaya suspected of failing to inform Shulaya of certain lucrative criminal activity. Shulaya brandished a knife and struck one of the victims, while Chaganava stood by.

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<sup>1</sup> Khurtsidze continues to avoid recognition of his role in the contraband cigarette scheme – although he did not act as a courier like Chaganava, Hamlet Uglava, or others, Khurtsidze participated in the beating of Chaganava, discussed below, that was Shulaya's retaliation for Chaganava's failure to adequately "kick up" from the cigarette scheme. *See* Tr. at 705 (confidential source Oliynyk discussing Shulaya's explanation that Chaganava had "cheated him" with "respect to cigarettes").

- Chaganava was among the Shulaya henchmen who surrounded a victim held by Shulaya in a Brooklyn apartment while Shulaya berated and beat the man.
  - *Khurtsidze participated in this same incident and in the same manner as Chaganava. See Tr. 1076 (referring to “Chuqueha,” i.e., “Hammer” – a nickname for Khurtsidze).*
- Chaganava’s participation in the Shulaya Enterprise had ended by February 2016, when he was assaulted and badly beaten by Shulaya and Khurtsidze.

In short, Chaganava was known to be a participant in the Shulaya Enterprise for over two years, during which time he participated in four assaults and as one of several people engaged in the Enterprise’s stolen goods and contraband cigarette trafficking scheme.

Khurtsidze is by far the more culpable of the two. As an initial matter, Chaganava did exhibit, ultimately, an acknowledgment of the seriousness of his offense conduct; Khurtsidze, meanwhile, has dissembled and falsely denied responsibility for his own criminal, violent actions. Moreover, Khurtsidze participated in two of Chaganava’s violent incidents, but exceeded those through multiple additional incidents, namely:

- Khurtsidze’s participation in the assault on Chaganava – a particularly gruesome and cruel instance of violence in furtherance of Shulaya’s empowerment. *See Exhibit A (Government Exhibit GX 903XX and 903YY, depicting Chaganava’s face following this assault); see also PSR ¶ 19.*
  - Khurtsidze refers to the Government’s *quote* of Judge Forrest’s colloquy at his original sentencing when claiming that the Government, in its opposition to Khurtsidze’s appeal, took the position that Khurtsidze did not “lay a hand” on Chaganava. Def. Sent’g Mem. at 7. Nevertheless, the evidence at trial reflects that Khurtsidze participated in the assault directly toward its conclusion, rather than solely participating by making this brutal assault possible by preventing Chaganava’s flight from a beating by Shulaya. At trial, a confidential source (Kutsenko, who was another of Khurtsidze’s victims) testified that he was ordered by Shulaya to retrieve ice for Chaganava’s face, and that upon returning with the ice saw Khurtsidze inside the same room as Chaganava, and that Shulaya at that time asked Khurtsidze “why he [Khurtsidze] hit him [Chaganava] so hard.” Tr. at 1117. Another witness, Dzhnashvili, described the earlier portion of the same incident, during which Dzhnashvili explained that he and Khurtsidze were stationed outside of the office where Chaganava was being beaten by Shulaya. Dzhnashvili testified that *later on the same evening* the confidential source arrived. *See Tr. at 1117 (Kutsenko: “I saw -- as soon as I -- I entered the poker house, I saw Shulaya come out of the office and*

behind him I saw the Mamuka [bleeding].”; *id.* at 1459 (Dzhanashvili testimony that Kutsenko arrived after the beginning of the assault, and that Shulaya ordered Kutsenko to take Chaganava home or to the hospital); *id.* at 1117 (Kutsenko testimony that, when he arrived, Dzhanashvili was playing poker, rather than continuing the guard the door). In short, Khurtsidze and Shulaya held Chaganava for a relatively lengthy period; two witnesses described two different portions of an elongated assault on a defenseless captive; and one of those witnesses (Kutsenko, arriving later in the same incident) recalled Shulaya’s acknowledgement of Khurtsidze’s direct involvement at a moment when Khurtsidze had moved inside of the office where Chaganava was held.

- Khurtsidze assaulted Kutsenko (a confidential source, albeit this was unknown to Khurtsidze at the time) in an effort to punish that person for allegedly stealing money from Shulaya’s Poker House. Khurtsidze argues that this was not an extortion, without mention of the fact that Kutsenko was threatened with bodily harm over the return of a perceived loss of \$20,000. *See* Def. Sent’g Mem. at 4 n.20; *see also* PSR at 23-24 (quoting transcript of threats).
- On September 1 and again on September 7, 2016, Khurtsidze threatened debtors to the poker house. On September 1, 2016, Khurtsidze personally undertook to issue the threat on behalf of the Enterprise: “How are you planning on [unintelligible] paying back? . . . You are a piece of shit, is this what you want to tell me? . . . If they want . . . you’ll get it in a second, like this. Don’t you even think that someone is [sic] looking for you or that you can hide. They’ll find you, brother. . . . It would be so fucking bad for you, brother.” *See* GX 149-T; *see also* PSR ¶¶ 22-23.
- On September 7, 2016, Khurtsidze, inside the Shulaya Enterprise’s Poker House assaulted the associate of another Enterprise member, Arthur Vinokurov, by forcibly punching that person in the face and stomach, causing him to crumple to the floor. PSR ¶ 24. Khurtsidze did so on the same night that he threatened and extracted money from a debtor to Shulaya’s poker house. Following that collection, surveillance video shows that the same victim whom Khurtsidze had assaulted earlier in the evening remained standing at attention inside the poker house while Shulaya and Khurtsidze counted the money that Khurtsidze had retrieved for the Enterprise. PSR ¶¶ 23-24.
- Khurtsidze continued to ensure Shulaya of Khurtsidze’s readiness to engage in still more acts of violence on Shulaya’s behalf. For example, on January 18, 2017, Khurtsidze confirmed for Shulaya his willingness to commit a heinous act of violence against another Enterprise member, Nazo Gaprindashvili, simply as a result of a perceived disrespect by Gaprindashvili against Shulaya. PSR ¶ 25.

- Khurtsidze participated actively in the Enterprise's complicated scheme to defraud casinos through the use of software that would mirror and predict the action of electronic "slot" machines. PSR ¶ 21. Khurtsidze transported the slot machine on multiple occasions, traveled to casinos with co-defendant Melman to collect data for scheme, electronically stored data material to the conspiracy on his iPhone, and directly discussed the operation of the scam with Shulaya. *See, e.g.*, Tr. 403-05, 836, 885-88, 1709-12. Other coconspirators actually sent Khurtsidze raw data for use in conducting the scheme, further reflecting that Khurtsidze's knowledge of the scope of the scheme was not nearly as limited as his arguments would suggest.<sup>2</sup>
- Khurtsidze continued to offer his protection to Shulaya even after his arrest and detention, coming to Shulaya's aid in a fight resulting from Shulaya's attempt to commandeer a particular cell at the MDC. PSR ¶ 9.

Neither Chaganava nor Gaprindashvili, each of whom received sentences of 57 months' imprisonment, and each of whom was either the direct or threatened victim of violence by Khurtsidze, participated as broadly or as violently as Khurtsidze in the operations of the Shulaya Enterprise. Neither falsely minimized their conduct in the course of seeking to avoid the consequences of his or her actions, or suggested through such minimizations that they persist as undeterred dangers to the public.

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<sup>2</sup> The Revised PSR has concluded that the applicable loss figure for this scheme should be based on a single incident in which the efficacy of the scheme was demonstrated by Shulaya to a confidential source for the purpose of "licensing" the fraudulent technology to that source. *See* PSR at 27. The correct loss figure is at least the value of that "license," which was \$100,000, although the defendants intended to earn far more than that through the use of their fraudulent devices. *Id.*

Apart from Khurtsidze's compounded denial of responsibility and further entrenchment in remorselessness, nothing has changed since the original sentencing in this case. Khurtsidze was and remains a dangerous individual who chose to use his brawn as a weapon in the service of a notorious criminal. He was and remains without apology for inflicting pain and fear in Shulaya's service. To reflect the gravity of Khurtsidze's choices, to protect the public from Khurtsidze's undeterred loyalty to Shulaya, and to deter others who might similarly choose to chase power and infamy through the use of violence and fear, Khurtsidze's original sentence remains warranted.

Respectfully submitted,

AUDREY STRAUSS  
United States Attorney

by: \_\_\_\_\_/s/\_\_\_\_\_  
Andrew C. Adams  
Andrew Thomas  
Assistant United States Attorneys  
(212) 637-2340/-2106